

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOUGLAS E. STAGGS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C09-5374BHS

ORDER RE-REFERRING  
CASE TO MAGISTRATE  
JUDGE

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 21) and Plaintiff Douglas E. Staggs's ("Staggs") objection to the Report and Recommendation (Dkt. 24). The Court has considered the Report and Recommendation, Staggs's objection, and the remaining record, and hereby **RE-REFERS** this matter to Magistrate Judge Karen L. Strombom, pursuant to Federal Rule of Civil Procedure 72(b)(3). In the Report and Recommendation, the Magistrate Judge reversed and remanded the Administrative Law Judge's ("ALJ") decision that Staggs was not disabled. Dkt. 21 at 23.

Staggs originally applied for disability insurance in December 2002, alleging a disability onset date of April 1, 2002. The disability onset date is important in this case because Staggs had multiple treating physicians from 2002 to 2008, and the ALJ gave greater weight to Dr. Mayer's and Dr. Krueger's opinions, Staggs's treating physicians in 2002-2003. *See* Dkts. 21, 24. The

1 Magistrate Judge concluded that the ALJ did not err by giving greater weight to Dr. Mayer's and  
2 Dr. Krueger's opinions, than to Dr. Smith's and Dr. Morris's opinions, Staggs's treating  
3 physicians in 2006-2008. Dkts. 21 at 7-8, 24 at 4. However, Staggs agrees to amend his alleged  
4 disability onset date to June 1, 2006, while reserving the right to argue his 2002 alleged onset date  
5 should this matter be remanded back to the Social Security Administration's ALJ for additional  
6 proceedings. Dkt. 24 at 2. A new disability onset date may affect whether the record supports  
7 finding Staggs disabled as of June 1, 2006, and whether the case should be remanded to determine  
8 benefits only.

9 Therefore, the Court **RE-REFERS** this case to the Magistrate Judge to determine whether  
10 a different recommendation is warranted after considering June 1, 2006, as the onset date and  
11 evaluating Staggs's objections (Dkt. 24) to the Report and Recommendation (Dkt. 21).

12 DATED this 13<sup>th</sup> day of October, 2010.

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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